

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF NORTH DAKOTA, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
INTERIOR, *et al.*,

Defendants,

BADLANDS CONSERVATION
ALLIANCE, *et al.*,

Defendant-Intervenors,

and

CONSERVATION LANDS FOUNDATION,
et al.,

Defendant-Intervenors.

No. 1:24-cv-124-DMT-CRH

Hon. Daniel M. Traynor

JOINT STATUS REPORT

Defendants U.S. Department of the Interior *et al.*, Plaintiffs State of North Dakota *et al.*, Defendant-Intervenors Badlands Conservation Alliance *et al.*, and Defendant-Intervenors Conservation Lands Foundation *et al.* respectfully submit this joint status report in response to the Court's June 9, 2025 Order continuing the stay of this case, ECF No. 58. Federal Defendants request that the stay be extended by an additional sixty days to allow new administration officials to continue to evaluate the litigation and determine how they wish to proceed. No party opposes this request.

This case challenges the Conservation and Landscape Health Rule, 89 Fed. Reg. 40,308 (May 9, 2024) ("Public Lands Rule"). Plaintiffs allege that the U.S. Bureau of Land Management ("BLM") violated the Federal Land Policy and Management Act, Administrative

Procedure Act, National Environmental Policy Act, Congressional Review Act, and Mineral Leasing Act in promulgating the rule. *See* Compl., ECF No. 1. At Federal Defendants’ request, summary judgment briefing has been stayed. *See* June 9, 2025 Order.

Courts have broad discretion to stay proceedings and to defer judicial review in the interest of justice and efficiency. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Air Line Pilots Ass’n v. Miller*, 523 U.S. 866, 879 n.6 (1998) (quoting *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)); *see also* *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962); *Am. Petroleum Inst. v. EPA*, 683 F.3d 382, 388 (D.C. Cir. 2012) (premature and unnecessary judicial review “would hardly be sound stewardship of judicial resources”).

Federal Defendants report that due to the recent change in administration on January 20, 2025, there is new leadership at the Department of the Interior. Those new officials are in the process of familiarizing themselves with the Public Lands Rule and the litigation regarding the rule. In addition, Secretary’s Order 3418 directs Department of the Interior staff to review certain previously issued rules, including the Public Lands Rule, and take steps, as appropriate, to suspend, revise, or rescind such rules. *See* Secretary’s Order No. 3418 § 4.b., available at: <https://www.doi.gov/document-library/secretary-order/so-3418-unleashing-american-energy> (last visited Mar. 20, 2025). The Department of the Interior has submitted a proposed rule entitled Rescission of Conservation and Landscape Health Rule to the Office of Information and Regulatory Affairs. *See* <https://www.reginfo.gov/public/do/eoDetails?rrid=907019> (last visited August 7, 2025). To allow further time for the Department of the Interior to continue that review process, the government respectfully requests that the Court stay these proceedings for an

additional sixty days. At the end of the sixty day period, the parties will file another status report indicating how the parties intend to proceed.

Respectfully submitted this 8th day of August 2025.

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